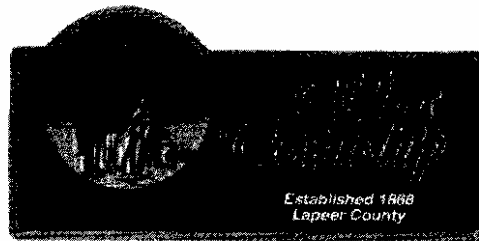


JOHN KOSIARA, Supervisor  
BRENDA M. JOHNSON, Clerk  
NINA M. SUTER, Treasurer



MICHAEL D. HODGES, Trustee  
MARK W. CONNELL, Trustee  
MICHAEL STOCKMAN, Trustee  
J. PAUL STOCK, Trustee

7

April 30, 2007

To: State Boundary Commission  
Re: Docket # 06-Ap-2  
Michigan Dept. of Labor and Economic Growth  
611 W. Ottawa Street – P.O. Box 30004  
Lansing MI 48909

Dear Commissioners,


This letter is to let you know there were a couple of items that were not presented at the public hearing held on March 29, 2007. Please note the attached statement from Gary Shango which indicates that he has signed a purchase agreement to purchase the Rolling Hills Golf Course. He plans to continue to run it as an 18 Hole Golf Course.

The development is now a "dead" issue. Therefore, I believe the property owners of the 50.168 acre parcel have no valid reason for annexation. Faith Christian Family Church, a petitioner for annexation, owns ten (10) acres. They have only been in operation providing Church Services for six (6) years.

Their biggest concern was stated as fire protection. The Elba Township Fire department has three (3) 30,000 gallon tanks of water within 1400 feet of the church property. Additionally, there are two (2) dry-hydrants within three quarters (3/4) of a mile from the church property. In light of the close proximity of such large amounts of available water, fire protection should not be of concern to the church or it's members.

I ask that the Boundary Commission Members review Elba Township's reasons for the Denial of the Annexation of 60.168 acres to the City of Lapeer. I sincerely appreciate the manner in which the Boundary Commissioner ran the Public Hearing/Meeting. In adding a little humor, the Commissioners made everyone feel at ease. After leaving the meeting, my concern was, who had more interest in the Annexation of this property...the petitioners or the City of Lapeer?

Sincerely,

  
John Kosiara, Supervisor  
Elba Township

JK/lam  
Enclosure

**RECEIVED**  
DEPT. OF LABOR & ECONOMIC GROWTH

MAY - 1 2007

STATE BOUNDARY COMMISSION

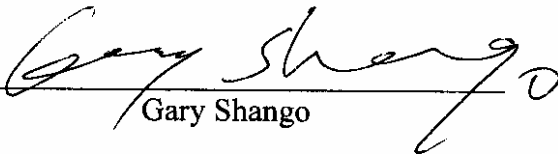


April 27, 2007

To Whom It May Concern-

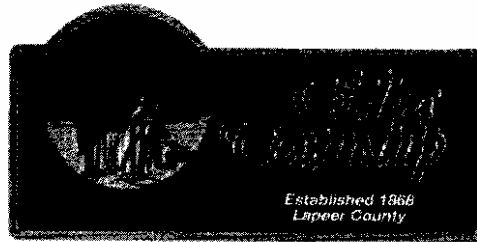
I, Gary Shango, do hereby proclaim, on April 26, 2007, I entered into, and signed a purchase agreement to purchase the Rolling Hills Golf Course, located at 3274 Davison Road, Lapeer MI 48446, I intend to continue to use this property as an 18 Hole Golf Course, as it is currently being used.

I have no intentions of having said property become a site condo development.

  
Gary Shango

2535 VHay Lane  
Bloomfield Township, MI 48304

JOHN KOSIARA, Supervisor  
 BRENDA M. JOHNSON, Clerk  
 NINA M. SUTER, Treasurer



MICHAEL D. HODGES, Trustee  
 MARK W. CONNELL, Trustee  
 MICHAEL STOCKMAN, Trustee  
 J. PAUL STOCK, Trustee

April 30, 2007

**RECEIVED**  
 DEPT. OF LABOR & ECONOMIC GROWTH

State Boundary Commission  
 Re: Docket # 06-AP-2  
 Michigan Department of Labor & Economic Growth  
 P.O. Box 30004  
 Lansing, MI 48909

**MAY - 1 2007**

**STATE BOUNDARY COMMISSION**

Dear Boundary Commissioners:

This letter and the attachments are being submitted during the 30-day comment period following the public hearing held by the Boundary Commission on March 29, 2007.

The issues in this particular annexation proposal are simple. There are 2 separate properties that have jointly filed this petition and for the following reasons, I would ask that the Boundary Commission deny this petition for annexation to the City of Lapeer.

The first property is located immediately adjacent to the City of Lapeer. This petitioner claims that he would like to have his 50.168 acre parcel of vacant land annexed to the City of Lapeer because a developer has shown an interest in including his property in a large, phased housing development, on property already located in the City of Lapeer. In Part VI of the Annexation Petition, page 8, it states that water and sewer services are needed for this development. There are 2 facts alone that should be considered when rendering a decision for this request: First, the petitioner has never come to Elba Township to specifically ask for water and sewer service, both of which are available from Elba Township. By means of a 425 Land Transfer Agreement dated December 18, 1986, the City of Lapeer agreed to make sewer service available to areas of Elba Township, and to date, there is still capacity available to the Township. Water service is available through Elba Township through the Port Huron-Flint water line that also serves the City of Lapeer. If these services are available without annexation then there is no reason this request should be granted. Secondly, the stated purpose for annexation was to be a part of the proposed housing development. I am enclosing a signed statement offered by Gary Shango, who states he is purchasing the property where the housing development was proposed to be located, which is currently a golf course. He states that he intends to continue operating an 18-Hole Golf Course and has no intentions of using the property to develop site condominiums.

The second party to the petition is Faith Christian Church who claims they wish to be annexed because they would like to expand the church and without water and sewer services, they believe they could not fully utilize their 10 acres, as they have stated on the 2<sup>nd</sup> page of Part VI of the petition. This could be true for any property owner who wishes to develop their property beyond the limitations that the governing zoning allows. When Faith Christian Church purchased the property they knew they were not located in the City of Lapeer and that they would not have city water or sewer. But yet they proceeded with the sale of the land and built a church. They also indicated that fire protection was a concern. The Elba Township Fire Department is very equipped to offer complete fire protection to this location. Additionally, the City of Lapeer participates in the Mutual Aid Agreement, as does Elba



April 30, 2007

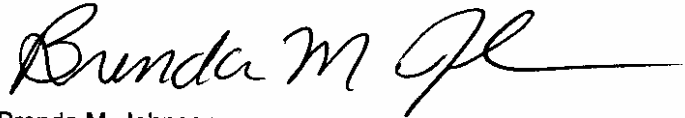
Township, to offer assistance to neighboring townships when needed. If there is a fire at the church location, both Elba Township and the City of Lapeer Fire Departments will most likely be present to help out. Having city water should not make a difference at all to the fire protection that the church would receive by remaining in Elba Township.

I am also enclosing several letters received by my office from Residents who live in the Proposed Expanded Area of Elba Township who do not wish to have their property annexed to the City of Lapeer.

As the Clerk of Elba Township, I would like to thank the Boundary Commission and I hope this petition for annexation is denied for the reasons stated in this letter.

Thank you again for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda M Johnson", with a long horizontal flourish extending to the right.

Brenda M. Johnson  
Elba Township Clerk

Enclosures

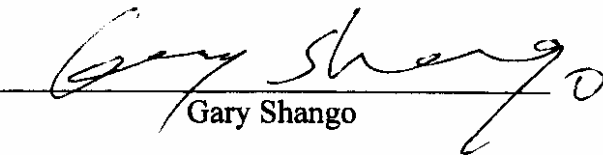
**COPY**

April 27, 2007

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I have no intentions of having said property become a site condo development.

  
Gary Shango

2535 VHay Lane  
Bloomfield Township, MI 48304

3522 Arlington Ct  
Lapeer Mi.

Apr 24-07.

Elba, Mich.

Lapeer Mi

Re: Mar 29. Let me see did not receive a registered letter

I am a fifty year resident of this  
Address. It lies on the end of the Ct. ~~They~~ the  
land abuts the 10 acres the family Unit Church  
own. When they bought it six years ago  
they were glad to be in the town.

Now they want to expand. ten acres  
will hold a lot of people. They don't  
have a valid reason to annex to the city.  
As for P. Whitman & home, 50 plus acres  
next to the golf course, if want to build on  
it okay. but leave the rest of the (island)  
And the rest of us in the town.

With so many jobs lost, homes for sale,  
and foreclosures at an all time high. Why expand?  
The state is broke. Young people leaving for out of state jobs.

In Sterling Gardens, we have had good  
service from the town. Our fire men are tops  
the police, a half mile away and patrol  
our streets. Our streets are plowed in the  
winter. We are a small area here, the third  
generation of some families are being raised here  
we like it this way. Nothing Lapeer City  
has that we need or want.

As for expanding Lake Reversing Rd. Why  
to go there to another dead end at Oregon.  
We have Wagon Rd. Millville Rd going north

We do not need this <sup>pl</sup> to come thru our area. It would take my garage and house. for what reason?

If all this planning is for the (Greater Good) - I ask whose - and why?

I do not now or in the future want this annexation. We have always had a vote on it why not now? No - No - No

I resent not being notified by mail when everyone else was. We have lived here the longest. Just because we're old we still can have our say.

E dna Mae Gassel  
3522 Arlington Ct  
Lapeer Mi 48446

DARLENE A. CROSSEN

April 11, 2007

Elba Township  
4717 Lippincott Road  
Lapeer, MI. 48446  
810-664-2332

Re: Boundary commission.  
Annexation of property on Davison Road

To Whom it may concern;

I am writing to you in regards to the annexation of property located in and around "old red school house" located on Davison Road across from Lake Nepessing road intersection. I live on Oregon Road next to Wildflower St. ( Just South of the said mentioned property)

I know too well about the problems with developers and promises they make to the concerned property owners, **BUT FAIL** to follow thru with promises.

My concern is that what does this do to any wetlands? Extra traffic that will cause congestion? or future accidents that will result due to the limited sight? What about the excess speeds that occur in this area? How will this effect the school systems with the already increased student count? or what about school busing?

I am informing you that MY HUSBAND AND I **APPOSE** THIS ANNEXATION.

Sincerely,

Darlene A. Crossen



John W. Crossen





Elba Township  
4717 Lippincott Road  
Lapeer, MI 48446  
(810) 664 - 2332

March 25, 2007

We are writing in response to a notice to attend a Public Hearing on March 29, 2007 at 4:00 P.M. Do to our work schedules we may not be able to leave work early to attend this scheduled hearing. However, we would like to express our objection to our property as well as others located in Sterling Gardens to be included in any annexation of Elba Township into the City of Lapeer. We purposefully bought this property to be a part of Elba Township.

Also, we would like to request information regarding what the City of Lapeer is and is not telling regarding this proposed annexation and what it means for us as well as our neighborhood properties. If you are not able to send us the details in writing please let us know so we may schedule an appointment to discuss this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura J. Day". The signature is written in a cursive, flowing style.

Mr. And Mrs Jeremy D. Day  
61 Sterling Drive  
Lapeer, MI 48446  
(810) 441 - 9413

3/26/07

To Elba Township

I want to inform you that I  
Don't want to be annexed to the City of Hesper.

Loretta Dodish  
181 Stettin Dr.  
Hesper, Mo

Wednesday, March 07, 2007

To whom it may concern:

I Dora Watz do not want property, 3360 Davison Rd to be adopted into the city of Lapeer.

Dora Watz  
11019 Peru Creek Dr  
Riverview, Fl. 33569

Phone: 813- 731- 5300

# Petition to Stop Annexation into the City of Lapeer from Elba Township, MI

[illegible]

[illegible]

## STATE BOUNDARY COMMISSION

### **PETITION FOR ANNEXATION of territory in Elba Township to the City of Lapeer, Lapeer County SBC Docket #06-AP-2**

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#### **ELBA TOWNSHIP'S SUPPLEMENTAL SUBMISSION**

The owners of the Whitman/Harrington parcel want City services so that they can join the "residential community" project being considered on adjacent property. That development is the underlying premise for this petition.

That development is dead. At the public hearing the Township introduced an ad from the Rolling Hills Golf Course which said that "the development deal is off!" The Township has since confirmed that fact with the letter attached as Exhibit 1. The new owner of the golf course no longer plans on building high-end condominiums. Because there is no development project, there is no need for City services on the Whitman/Harrington parcel.

In deciding this Petition, the Commission must consider the "need for organized community services" at the parcel. *MCL 123.1009(b)*. Whitman and Harrington gave only one reason for their need for City services and that was to join in the development project. With that deal now dead, there is no basis for annexation of the Whitman/Harrington parcel.

The church also joined in the petition. At the public hearing, the church expressed its need for City services so that it could expand its building and then its congregation. The church has been located at this location for just 6 years. At no time

has the church ever asked the Township for water/sewer services. The church has never before expressed its need to expand. The church did not produce documents confirming its expansion plans or its need to expand. Without that supporting documentation it is purely speculative to believe that the church needs city services.

In any event, because there is no need for city services on the Whitman/Harrington parcel, the church property should not be annexed. If the Commission approved annexation of that parcel, that 10 acres would be surrounded by the Township.

Finally, the Township submits Exhibit 2 which is a petition signed by several residents in "the island" opposing annexation.

### **CONCLUSION**

For these and the reasons stated by the Township at the public hearing, the annexation petition is not supported by competent, material and substantial evidence on the record. Therefore, the Township asks that the Commission reject the Petition.

SIMEN, FIGURA & PARKER, P.L.C.

BY: 

Michael J. Gildner (P49732)  
Attorney for Elba Township  
5206 Gateway Centre, Suite 200  
Flint, Michigan 48507  
(810) 235-9000

Date: April 30, 2007

Exhibit 1

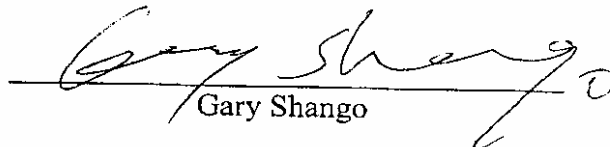


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I have no intentions of having said property become a site condo development.

  
Gary Shango

2535 VHay Lane  
Bloomfield Township, MI 48304

Exhibit 2

# Petition to Stop Annexation into the City of Lapeer from Elba Township, MI

[illegible]

# Petition to Stop Annexation into the City of Lapeer from Elba Township, MI

[illegible]